

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

FRACTUS, S.A.,

Plaintiff,

v.

AT&T MOBILITY LLC,

Defendant,

and

COMMSCOPE TECHNOLOGIES LLC and
CELLMAX TECHNOLOGIES AB,

Intervenor-Defendants.

SPRINT COMMUNICATIONS COMPANY,
L.P., ET AL.,

Defendants,

and

COMMSCOPE TECHNOLOGIES LLC and
CELLMAX TECHNOLOGIES AB,

Intervenor-Defendants.

T-MOBILE US, INC., ET AL.,

Defendants,

and

COMMSCOPE TECHNOLOGIES LLC and
CELLMAX TECHNOLOGIES AB,

Intervenor-Defendants.

Case No. 2:18-cv-00135-JRG
LEAD CASE

Case No. 2:18-cv-00136-JRG

Case No. 2:18-cv-00137-JRG

CELLCO PARTNERSHIP d/b/a VERIZON
WIRELESS,

Defendant,

and

COMMScope TECHNOLOGIES LLC,

Intervenor-Defendant.

Case No. 2:18-cv-00138-JRG

**NOTICE CONCERNING JOINT MOTION FOR ENTRY OF ORDER FOCUSING
ASSERTED CLAIMS AND PRIOR ART (DKT. NO. 110)**

Defendants AT&T Mobility LLC, Sprint Communications Company, L.P., Sprint Spectrum, L.P., Sprint Solutions, Inc., Nextel Operations, Inc., T-Mobile USA, Inc., T Mobile US, Inc., Cellco Partnership d/b/a Verizon Wireless, CommScope Technologies LLC, and CellMax Technologies AB (collectively, “Defendants”) respectfully submit this Notice to the Court regarding the parties’ Joint Motion for Entry of Order Focusing Asserted Claims and Prior Art (Dkt. No. 110) (the “Joint Motion”).

Following the parties’ submission of the Joint Motion, in view of Plaintiff Fractus, S.A.’s (“Fractus’s”) dropping of the ’824 patent and several claims from other patents, and as mentioned during the Status Conference with the Court on January 17, 2019, and in the interest of compromise and reaching agreement with Fractus, Defendants modified certain of their positions as to the disputed provisions governing prior art limits. While the parties have not yet been able to reach agreement, Defendants hereby respectfully submit to the Court their revised positions on these disputed provisions for the Court’s consideration in connection with the Joint Motion.

Attached as **Exhibit 1** is a revised proposed Order Focusing Patent Claims and Prior Art

to Reduce Costs, reflecting Defendants' revised positions as to the disputed provisions governing prior art limits. Exhibit 1 does not contain any changes to Fractus's positions as originally filed.

Attached as **Exhibit 2** is a redline showing the changes made in Exhibit 1 when compared to the original Order Focusing Patent Claims and Prior Art to Reduce Costs as it was filed by the parties (Dkt. No. 110-1).

Defendants respectfully request the Court to rely upon Exhibit 1 in lieu of Dkt. No. 110-1.

DATED: January 31, 2019

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CERTIFICATE OF SERVICE

I certify that the foregoing document was filed electronically on January 31, 2019, pursuant to Local Rule CV-5(a) and has been served on all counsel who have consented to electronic service.

/s/ Neema Jalali